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AUG 15 1997

August 15, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20054

Re: CC Docket 92-237

Dear Mr. Caton:

The attached was submitted to the North American Numbering Council (NANC) today. This document addresses the charter renewal for the NANC. Please include this in the record for the above mentioned docket.

Sincerely,



Cynthia K. Cox

cc: Jeannie Grimes (w/o attachment)
Regina Keeney (w/o attachment)
Marion Gordon (w/o attachment)
Geraldine Matise (w/o attachment)

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August 15, 1997

Ms. Regina Keeney
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street
Washington, D.C. 20054

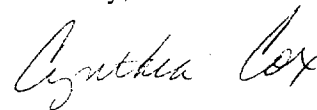
Dear Ms. Keeney:

Attached is BellSouth's statement regarding the NANC Charter Renewal to be discussed during the 8/19/97 NANC Meeting. We are submitting this statement as indicated in the Commission's July 31, 1997 Public Notice DA 97-1640. While BellSouth is not requesting time on the 8/19/97 agenda for oral comments, two representatives from BellSouth, Mr. William Shaughnessy and Ms. Mary Jean Dennis, will be attending the NANC meeting and will be available to answer any questions on the attached statement.

We are also submitting this statement for inclusion in the North American Numbering Plan proceeding, CC Docket 92-237.

Thank you for your attention to this matter.

Sincerely,



Cynthia K. Cox

cc: Ms. Marion Gordon
Ms. Geraldine Matise
Ms. Jeannie Grimes
Mr. Alan Hasselwinder

BELLSOUTH CONTRIBUTION TO NANC
REGARDING NANC CHARTER RENEWAL

AUGUST 15, 1997

INTRODUCTION

BellSouth recognizes the important contributions that the North American Numbering Council (NANC) has made in the first two years of its existence and believes that many critical issues remain to be resolved within the next two years with respect to implementation of long term number portability and the complete transition of numbering administration to a neutral third party. NANC has developed an expertise that cannot be readily duplicated. In addition, NANC has work in progress on many issues which would be lost if the charter is not renewed. In light of this, BellSouth supports renewal of the NANC charter for another two year period, with either a temporary expansion of, or a rotation in, NANC membership.

NANC's initial charter expires just as the implementation of long term number portability in the seven largest metropolitan statistical areas in the United States begins. Moreover, the FCC has not yet acted on NANC's action with respect to the recommendation of a neutral North American Numbering Plan (NANP) administrator. It appears that the next two years are likely to be the busiest for NANC, and the council needs to be staffed with members who are committed to attending NANC meetings and vigorously working critical numbering issues. BellSouth remains willing and able to participate as member of the council, and desires the opportunity to serve.

Nonetheless, BellSouth generally opposes any initiatives or assignments of work responsibilities that would result in the need for NANC's charter to be continued, for all practical purposes, in perpetuity. In particular, BellSouth is concerned that existing industry fora, which

are open to all and operate by consensus, not be supplanted, sidestepped or superseded by the work of NANC. NANC was not designed to replace these fora. Moreover, NANC, as a temporary federal advisory committee, should resist initiatives that interfere with the orderly operation of existing industry fora. Any new initiatives or assignment of work responsibilities, as well as any changes proposed to NANC's charter, should always be the subject of an informal notice and comment proceeding initiated by the FCC in CC Docket 92-237.

BELLSOUTH RECOMMENDATIONS

BellSouth offers the following recommendations to better ensure full and fair participation by all telecommunications providers in NANC:

1. Ensure Full Participation by NANC Membership Now and in the Future.

In its various orders relating to the administration of NANP resources, the FCC has stressed the spirit of competitive neutrality that should pervade administration of scarce numbering resources. The Commission has also shown a preference for openness and cross-industry consensus-building on issues relating to numbering resource administration and technical operations. Although NANC membership "was selected to represent all viewpoints regarding numbering administration,"¹ BellSouth is concerned that all viewpoints are not being represented, especially the viewpoints of telecommunications entities who are not NANC members. Conversely, other telecommunications entities seem to have more than adequate representation on NANC.²

¹ Public Notice, DA 97-1055, *infra* n.5 at 1.

² For example, both Sprint Spectrum and Sprint Corp. have voting members on NANC.

BellSouth observes that of the 36 NANC member entities appointed by the Commission, fewer than one third (11) had representatives attend each of the eleven meetings for which attendance has been reported.³ More than two-thirds of the membership (25) missed at least one meeting, 21 entities missed two or more meeting, while six members skipped more meetings than they attended.⁴ BellSouth agrees with the spirit of the action taken at NANC 12, in which the members in attendance voted to contact those members who had missed 75% of NANC meetings in a six month period to ascertain their intentions with regard to their continuing participation on the council.

NANC should prepare a list of alternative NANC members, comprised of those entities that originally sought a seat on the council, were not appointed, but who continued to participate actively in the efforts of various NANC working groups and subgroups. If an original NANC appointee misses more than half of the NANC meetings in a calendar year, or if a NANC member contacted by the council expresses its unwillingness to commit to participate further in the work of the council, an alternate entity from the same industry group, if available, should be appointed to take that entity's place for the remainder of the charter term. This initiative should be implemented during the present term and continued during any successive term.

³ According to information obtained from the Alliance for Telecommunications Industry Solutions ("ATIS") home page, the following companies attended each meeting: CTIA, GTE, MCI, Northern Telecom, NYNEX, Omnipoint, OPASTCO, SBC Communications, Teleport, TIA and USTA. Company specific information was unavailable for NANC 10, a "closed" meeting; based on the NANC administrator recommendation voting breakdown one quarter of the voting NANC membership did not attend NANC 10, Public Notice DA 97-1055, *infra* n. 4 at 2.

⁴ At NANC 12, reference was made to an internal NANC member attendance survey or audit. NANC 12 minutes had not been made publicly available at the time BellSouth submitted this contribution.

At recharter, NANC membership be reconstituted so that those entities which failed to send a representative to at least nine of the first twelve NANC meetings are not returned. Their seats should be filled by entities, preferably from the same segment of the industry, that desire to serve on the NANC and that are willing to commit to attending NANC meetings. NANC membership should also be temporarily expanded. New members would be selected from the same pool of candidates as alternate members: entities that originally sought a seat on the council, were not appointed, but which continued to participate actively in the efforts of various NANC working groups and subgroups. These entities, including BellSouth, have demonstrated that they are deserving of a place on an important policy committee.

Given the record of attendance at NANC meetings to date, it is unlikely that the size of the NANC will expand to a point that is unmanageable. Over the next two years long term number portability will be implemented in the 100 largest MSAs in this country. During the eighteen month period following the FCC's selection of a neutral third party NANC administrator, critical central office code administration issues will arise. These issues can best be addressed by a NANC comprised of members who have demonstrated their commitment to working cooperatively with others in the industry in the implementation of number portability and neutral numbering administration. Based on its experience with NANC working groups and other industry fora, BellSouth has no reason to believe that a larger NANC comprised of committed members in regular attendance, who are used to working cooperatively by consensus, should not operate smoothly.

In the alternative, should either the NANC or the FCC be opposed to any temporary expansion in council membership at recharter, the NANC should consider recommending to the

FCC that it rotate a portion of the membership (beginning with those members with the worst attendance records) so that other interested parties are given an opportunity to participate in NANC at the size presently constituted. Any rotation plan would necessarily need to balance the needs of continuity of expertise with fair and adequate industry representation. Whether a temporary expansion or a rotation is implemented, BellSouth stresses that such implementation is advocated only for NANC's next two year period. At the end of NANC's second term, the need for a successive charter renewal should be reexamined. If it is determined that the charter should be renewed for a third term, then the size and membership of the council should also be reevaluated in light of the work that remains to be done.

2. Recognize the Value of Consensus Determinations.

At present, BellSouth and other entities that are not members of NANC can and do participate on NANC subcommittees and working groups. Nevertheless, it appears that the majority or consensus determinations made by working groups are vulnerable to majority vetoes by the NANC, although the NANC charter specifically provides that it is to operate by consensus. For instance, although the NANP Working Group Evaluation Team reached consensus on two candidates for the new NANP administrator, an unspecified majority of the Evaluation Team favored one candidate.⁵ A bare majority of the entities present at NANC 10, in a closed meeting,

⁵ North American Numbering Council, Recommendation of the North American Numbering Council (NANC) North American Numbering Plan (NANP) Administrator and Billing and Collection Agent (May 15, 1997) ("*NANC Recommendation*"); Public Notice, The North American Numbering Council ("*NANC*") *Issues Recommendations on the North American Numbering Plan Administration, Billing and Collection Agent, and Related Rules, Pleading Cycle Established*, CC Docket No. 92-237, DA 97-1055 (rel. May 19, 1997), NANP Working Group Evaluation Team Report to the North American Numbering Council (NANC) on a North American Numbering Plan (NANP) Administrator and Billing and Collection Agent (BCA), (undated) at p.3 and App. A (attached to the *NANC Recommendation*).

voted to recommend instead the Evaluation Team's "minority" candidate.⁶ This process raises concerns as to whether entities such as BellSouth, which do not have a seat on NANC, can expect to have any meaningful voice in important policy issues concerning NANP numbering resources.

3. Favor Open Meetings

BellSouth recognizes that, from time to time, it may be necessary to close a portion of a NANC meeting to the public. However, both NANC and the FCC should favor open NANC meetings, and choose to close, only when absolutely necessary, limited portions of NANC meetings rather than entire meeting proceedings.⁷

CONCLUSION

Given current timelines for implementing long term number portability and transferring NANP administration to a neutral third party administrator, the NANC charter should be renewed. However, NANC should implement permanent attendance criteria during its present term to address problems of absenteeism. At recharter, the current membership should be either temporarily expanded or rotated to include members with a demonstrated commitment to NANC and to working critical numbering issues. Any proposed changes to NANC's charter, or scope of

⁶ *NANC Recommendation* at 3.

⁷ The Federal Advisory Committee Act, which otherwise requires all NANC meetings to be open to the public, permits *portions* of NANC meetings to be closed under certain circumstances. 5 U.S.C. App. 2 10(d). Although initially noticed as an open meeting, Public Notice, *FCC Announces Three Meetings of the North American Numbering Council*, CC Docket No. 92-237, 73071 (released March 24, 1997), all of the NANC 10 was subsequently closed to the public. Public Notice, *FCC Announces that May 14, 1997 Meeting of the North American Numbering Council Will be Closed to the Public*, CC Docket No. 92-237 (rel. April 28, 1997). See *Nader v. Dunlop*, 370 F. Supp. 177, 178 (D.D.C. 1973) (Subsection (d) of Federal Advisory Committee Act, providing that a meeting may be closed, was not intended to include all deliberative conversations of committee meetings).

work, should be the subject of informal public notice and comment proceedings in CC Docket No. 92-237. Finally, NANC should strive to reach consensus determinations, in accordance with its charter, at every opportunity, should favor open meetings, and close only those portions of meetings that are absolutely necessary.